

**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-6 (Sub-No. 454X)

August 6, 2007

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

☒ (X) Notice of Exemption ☐ () Petition for Exemption ☐ () Regulated Abandonment

☐ () **NO NEW COMMENTS WERE RECEIVED**

☒ (X) **NEW COMMENTS WERE RECEIVED**

SEA served an Environmental Assessment (EA) for this proceeding on July 17, 2007 for public review and comment. In the EA, SEA recommended five environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments

SEA received one comment after issuance of the EA. The U.S. Fish and Wildlife Service (USFWS) offered its conclusions regarding impacts to the Federally listed species for Multnomah County. USFWS stated that there would be no effect on the species listed. However, USFWS recommended that BNSF consult with the National Marine Fisheries Service regarding the marine animals on the list.

Therefore, SEA recommends that the endangered species condition imposed in the July 17, 2007 decision be removed. After consultation with USFWS, SEA also recommends that an additional condition be imposed upon any decision granting abandonment authority requiring BNSF to consult with the National Marine Fisheries Service to determine whether the proposed abandonment would have any adverse impacts on the marine animals listed as threatened and endangered species for Multnomah County.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the conditions recommended in the EA, as modified by the recommendations in this document, as well as the

new conditions recommended in this document should be imposed upon any decision granting abandonment authority. The combined conditions are:

1. Prior to commencement of any salvage activities, BNSF Railway Company shall consult with the National Marine Fisheries Service (NMFS) regarding the marine animals on the list of threatened and endangered species for Multnomah County. BNSF shall consult with the Board's Section of Environmental Analysis (SEA) and NMFS to develop appropriate mitigation measures if necessary. BNSF shall report the results of any consultation with NMFS in writing to SEA.
2. Prior to commencement of any salvage activities, BNSF Railway Company shall consult with the United States Environmental Protection Agency regarding its concerns about hazardous waste materials along the right-of-way and comply with its reasonable requirements.
3. Prior to commencement of any salvage activities, BNSF Railway Company shall consult with Oregon Department of Fish and Wildlife and comply with applicable state regulations for disposal of all rail materials including creosote rail ties and oil-stained ballast.
4. In the event that any archaeological sites, human remains or associated artifacts are discovered during BNSF Railway Company's (BNSF) salvage activities, BNSF shall immediately cease all work and shall notify the Board's Section of Environmental Analysis (SEA) and the Oregon Parks and Recreation Department, Heritage Conservation Division (State Historic Preservation Office or SHPO). SEA shall then consult with the SHPO and BNSF to determine whether any mitigation measures are necessary.
5. BNSF Railway Company (BNSF) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. BNSF shall report back to the Board's Section of Environmental Analysis regarding any consultations with the SHPO and any other Section 106 consulting parties. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

If the above condition is imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

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